

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATRIX PARTNERS LLC,

Plaintiff,

v.

Case No. 06-cv-10798

Hon. Lawrence P. Zatkoff

PETER JAY KLAUSER,
JOSEPH DEPOMPEII,
FILM PLANET, LLC, and
FILMTOWN ENTERTAINMENT, INC.,

Defendants.

ORDER

This matter comes before the Court on Plaintiff's Ex Parte Emergency Motion to Adjourn Final Pretrial Conference/Settlement Conference and to Adjourn Trial, To Extend Discovery and to Compel Deposition of Defendants [dkt 23]. In its Motion, Plaintiff notes that Defendants have not retained counsel after their initial counsel withdrew from the matter in October 2007. Plaintiff has diligently pursued discovery in this matter, but Defendants' level of cooperation has declined significantly. Plaintiff's attempts to depose Defendants have failed. Defendants all reside in California; however, Defendant DePompeii cannot be located, and Defendant Klauser insists that he has no knowledge of DePompeii's whereabouts. Most recently, Defendant Klauser indicated to Plaintiff that he would be using a new email address but the address he provided is nonexistent. Plaintiff's attempts at communication by telephone have also failed. Plaintiff expresses concern that Defendants are not linked to the electronic filing system and will not likely attend the upcoming Final Pretrial Conference. Plaintiff indicates its willingness to employ a private detective to locate Defendants.

The Court has considered Plaintiff's Ex Parte Motion and finds it reasonable under these circumstances. Accordingly,

IT IS HEREBY ORDERED that the Final Pretrial Conference in this matter is adjourned from May 21, 2008, until August 14, 2008.

IT IS FURTHER ORDERED that the dispositive motion cut-off date be extended until July 15, 2008.

IT IS FURTHER ORDERED that discovery be extended from May 15, 2008, until July 1, 2008.

IT IS FURTHER ORDERED that Defendants be deposed at a date, time, and location specified by Plaintiff.

IT IS FURTHER ORDERED that Defendants provide the Court with updated contact information.

IT IS FURTHER ORDERED that the parties report to the Court for a status conference at a time to be specified by the Court.

IT IS FURTHER ORDERED that Defendants compensate Plaintiff \$500 for the reasonable costs and fees incurred in the preparation and filing of this Motion.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: May 14, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 14, 2008.

s/Marie E. Verlinde

Case Manager

(810) 984-3290